

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

§

*Plaintiff,*

§

v.

CASE NO. 7:20-CV-265

6.298 ACRES OF LAND, MORE OR  
LESS, SITUATE IN STARR COUNTY,  
STATE OF TEXAS, *et al.*

§

*Defendants.*

§

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**JOINT STIPULATION OF REVESTMENT**

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Plaintiff, the United States of America, and Defendants Ociel Mendoza and the Department of Treasury-Internal Revenue Service, do hereby stipulate to the revestment of the Subject Property as described in the initial Declaration of Taking,<sup>1</sup> more specifically described in Schedule “E” of said Declaration of Taking filed herein in the real property identified as RGV-RGC-9000-1 and more particularly described in Schedule “C” and depicted in Schedule “D” of the Declaration of Taking. The parties further stipulate and agree as follows:

**A. BACKGROUND**

<sup>1</sup>. On September 9, 2020, the United States filed its Complaint in Condemnation<sup>2</sup> and Declaration of Taking<sup>3</sup> for the taking of a fee simple interest in 6.298 acres of land identified as Tract RGV-RGC-9000-1 (hereinafter “Subject Property”), more or less, being out of a calculated 27.640 acres of land located in Starr County, Texas, all as more

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<sup>1</sup> Dkt. No. 2.

<sup>2</sup> Dkt. No. 1.

<sup>3</sup> Dkt. No. 2.

particularly described in the Complaint and Declaration of Taking filed in this matter.<sup>4</sup>

2. On September 14, 2020, the United States deposited into the registry of the Court its estimated just compensation in the amount of \$42,938.00 for the fee taking of the Subject Property.<sup>5</sup> Pursuant to 40 U.S.C. § 3114(b)(1), the filing and the deposit immediately vested title to the Subject Property in the United States by operation of law.
3. The Declaration of Taking and Complaint in Condemnation acquired a fee simple interest in 6.298 acres of land and the United States has identified Defendant Ociel Mendoza (“Defendant”) as the sole owner of the interests acquired in the Subject Property.<sup>6</sup> Department of Treasury-Internal Revenue Service has also been identified as an interested party in this action by virtue of holding a federal tax lien against Ociel Mendoza, personally.<sup>7</sup>

## B. STIPULATION OF REVESTMENT

4. Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.
5. The parties jointly stipulate and agree that all right, title and interest acquired by the United States associated with or appurtenant to the Subject Property hereby are **REVESTED** back to Defendant with all title and rights as they existed immediately before the filing of the Declaration of Taking and title vesting in the United States.
6. Defendant hereby agrees to accept such **REVESTMENT** of the Subject Property.

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<sup>4</sup> See Dkt. Nos. 1-2.

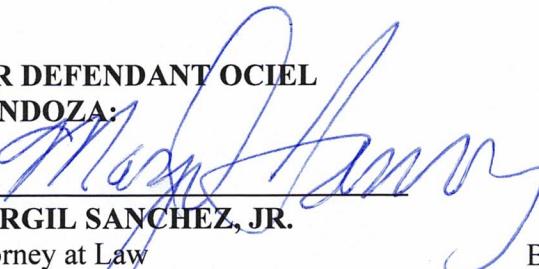
<sup>5</sup> Dkt. No. 5.

<sup>6</sup> Dkt. Nos. 32 & 32-1. Duval County Ranch Company, LLC, Martha Mendoza, and Ameida Salinas, Starr County Tax Assessor-Collector were also identified as interested parties in this action, however they executed disclaimers and were subsequently dismissed from this action. See Dkt. Nos. 20-21, 26-27, 30-31.

<sup>7</sup> Dkt. No. 32 & 32-1.

7. The parties respectfully move this Court to disburse the funds deposited in the Registry of the Court, forty-two thousand nine-hundred-thirty-eight dollars and 00/100 (\$42,938.00), plus any accrued interest thereon, payable to the order of "F & A Officer, USAED, Fort Worth." The United States also respectfully requests that the check reference Tract. No. RGV-RGC-9000-1.
8. Defendant and Department of Treasury-Internal Revenue Service agree to waive any and all claims for compensation of any nature against the United States arising from the United States' acquisition of the Subject Property.
9. The parties will take no appeal from any rulings or judgments made by the Court in this action with regard to this Joint Stipulation of Revestment and the parties consent to the entry of all orders and judgments necessary to effect this Stipulation.
10. This joint stipulation is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of the parties.
11. The parties request that the Court enter an Order of Final Judgment reflecting this Stipulation and closing this case.

FOR DEFENDANT OCIEL  
MENDOZA:

  
**MARGIL SANCHEZ, JR.**

Attorney at Law  
Bar I.D. No. 17570800  
P.O. Box 297  
Rio Grande City, Texas 78582  
Tel. No. 956-487-7575  
Fax. No. 956-487-8491  
Email: [msjlaw@yahoo.com](mailto:msjlaw@yahoo.com)

FOR DEFENDANT DEPARTMENT  
OF TREASURY-INTERNAL  
REVENUE SERVICE:

Respectfully submitted,

**JENNIFER B. LOWERY**  
Acting United States Attorney  
Southern District of Texas

By: s/ Roland D. Ramos  
**ROLAND D. RAMOS**  
Assistant United States Attorney  
Southern District of Texas No. 3458120  
Texas Bar No. 24096362  
1701 W. Bus. Highway 83, Suite 600  
McAllen, Texas 78501  
Telephone: (956) 618-8010  
Facsimile: (956) 618-8016  
E-mail: [Roland.Ramos@usdoj.gov](mailto:Roland.Ramos@usdoj.gov)  
Attorney in Charge for the United States of America

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**DAVID L. GUERRA**

Assistant United States Attorney  
1701 Business 83, Suite 600  
McAllen, Texas 78501  
(956) 618-8010/FAX (956) 618-8016  
State Bar No. 08575200  
Southern Dist. of Texas No. 14435

**CERTIFICATE OF SERVICE**

I, Roland D. Ramos, Assistant United States Attorney for the United States of America, do hereby certify that on September \_\_\_, 2021, a copy of the foregoing was served on all parties in accordance with Federal Rules of Civil Procedure.

s/ Roland D. Ramos  
**ROLAND D. RAMOS**  
Assistant United States Attorney

Respectfully submitted,

**FOR DEFENDANT OCIEL  
MENDOZA:**

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**MARGIL SANCHEZ, JR.**

Attorney at Law  
Bar I.D. No. 17570800  
P.O. Box 297  
Rio Grande City, Texas 78582  
Tel. No. 956-487-7575  
Fax. No. 956-487-8491  
Email: [msjlaw@yahoo.com](mailto:msjlaw@yahoo.com)

**FOR DEFENDANT DEPARTMENT  
OF TREASURY-INTERNAL  
REVENUE SERVICE:**

*Is David L. Guerra (with permission)*

**DAVID L. GUERRA**  
Assistant United States Attorney  
1701 Business 83, Suite 600  
McAllen, Texas 78501  
(956) 618-8010/FAX (956) 618-8016  
State Bar No. 08575200  
Southern Dist. of Texas No. 14435

**JENNIFER B. LOWERY**  
Acting United States Attorney  
Southern District of Texas

By: *s/ Roland D. Ramos*  
**ROLAND D. RAMOS**  
Assistant United States Attorney  
Southern District of Texas No. 3458120  
Texas Bar No. 24096362  
1701 W. Bus. Highway 83, Suite 600  
McAllen, Texas 78501  
Telephone: (956) 618-8010  
Facsimile: (956) 618-8016  
E-mail: [Roland.Ramos@usdoj.gov](mailto:Roland.Ramos@usdoj.gov)  
Attorney in Charge for the United States of America

**CERTIFICATE OF SERVICE**

I, Roland D. Ramos, Assistant United States Attorney for the United States of America, do hereby certify that on September 15, 2021, a copy of the foregoing was served on all parties in accordance with Federal Rules of Civil Procedure.

*s/ Roland D. Ramos*  
**ROLAND D. RAMOS**  
Assistant United States Attorney